

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : R. Fischer et al.  
Serial No. : 10/578,900  
Filed : November 9, 2004  
For : 2-ETHYL-4,6-DIMETHYL-PHENYL-SUBSTITUTED  
SPIROCYCLIC TETRAMIC ACID DERIVATIVES  
Group Art Unit : 4161  
Examiner : RODRIGUES-GARCIA, VALERIE

**DECLARATION**

Dr. Wolfgang Thielert hereby declares:

- that he is an agronomist having studied at the University of Bonn, Germany;
- that he received his doctor's degree in agriculture at the University of Bonn, Germany in 1984;
- that he entered the employ of Bayer in 1984;
- that he has specialized in plant protection (phytopharmacology);
- that the following tests have been carried out under his supervision and direction

BCS 03-3063-

Example No. 1

**Myzus persicae – test; (MYZUPE spray application)**

Solvent:                78 parts by weight acetone  
                             1.5 parts by weight dimethylformamide  
Wetting agent:       0.5 parts by weight alkylaryl polyglycol ether

To produce a suitable preparation of active compound, 1 part by weight of active compound is mixed with the stated amount of solvent and emulsifier, and the concentrate is diluted with emulsifier-containing water to the desired concentration.

Chinese cabbage (*Brassica pekinensis*) leaf-disks infected with all instars of the green peach aphid (*Myzus persicae*), are sprayed with a preparation of the active ingredient at the desired concentration.

After the specified period of time, mortality in % is determined. 100% means that all aphids have been killed; 0% means that none of the aphids have been killed.

In this test for example, the following compounds from the preparation examples showed good activity: see list

Example No. 2

**Phaedon cochleariae – test; (PHAECO spray application)**

Solvent:                78                parts by weight of acetone  
                             1.5        parts by weight of dimethylformamide  
Emulsifier:            0.5        parts by weight of alkylaryl polyglycol ether

To produce a suitable preparation of active compound, 1 part by weight of active compound is mixed with the stated amount of solvent and emulsifier, and the concentrate is diluted with emulsifier-containing water to the desired concentration.

Chinese cabbage (*Brassica pekinensis*) leaf-disks are sprayed with a preparation of the active ingredient of the desired concentration. Once dry, the leaf disks are infested with mustard beetle larvae (*Phaedon cochleariae*).

After the specified period of time, mortality in % is determined. 100 % means that all beetle larvae have been killed and 0 % means that none of the beetle larvae have been killed.

In this test, for example, the following compounds from the preparation examples showed good activity: see list

Example No. 3**Tetranychus urticae – test; OP-resistant (TETRUR spray application)**

Solvent:                   78 parts by weight acetone  
                              1.5 parts by weight dimethylformamide  
Wetting agent:       0.5 parts by weight alkylarylpolglycoether

To produce a suitable preparation of active compound, 1 part by weight of active compound is mixed with the stated amount of solvent and emulsifier, and the concentrate is diluted with emulsifier-containing water to the desired concentration.

French bean (*Phaseolus vulgaris*) which are heavily infested with all stages of the two spotted spidermite (*Tetranychus urticae*), are sprayed with a preparation of the active ingredient at the desired concentration.

After the specified period of time, mortality in % is determined. 100% means that all spider mites have been killed and 0% means that none of the spider mites have been killed.

In this test, for example, the following compounds from the preparation examples showed good activity: see list

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	Ex. No	1. MYZUPE		2. PHAECO		3. TETRUR	
		g/ha	% 5 d	g/ha	% 7 d	g/ha	% 5 d
according to invention	I-c-2			100	83		
known EP- 456063 = 455,258,527				100	0		
according to invention	I-b-4	4	100				
known EP- 596298		4	0				
according to invention	I-b-8	4	100			500	100
known EP- 596298		4	0			500	70
according to invention	I-c-1	4	100	100	100	20	90
known EP- 596298		4	0	100	0	20	0
according to invention	I-c-1			100	100	100	70
known EP- 1280770	I-1-c-7			100	0	100	0

The undersigned declarant hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

3.12.2008  
Date

  
Dr. Wolfgang Thielert